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ROBERT W. CABELL,

Plaintiff

-against-

MARK ZIMMERMAN, President,  
ACTORS' EQUITY ASSOCIATION,  
Defendant.

Case No. 09-cv-10134 (CM)

-----X

**MEMORANDUM OF LAW IN OPPOSITION  
TO DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

THEODORE D. WEIS, ESQ.  
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PLAINTIFF'S COPYRIGHT INFRINGEMENT CLAIM IS VALID  
BECAUSE PLAINTIFF VALIDLY REGISTERED HIS COPYRIGHT  
IN THE SUBJECT MATTER AND ACTORS EQUITY ACTED  
IMPROPERLY AND IN SUCH A MANNER AS TO MATERIALLY  
INTERFERE WITH PLAINTIFF'S EXCLUSIVE  
RIGHTS IN SUCH COPYRIGHT

A. Plaintiff Has A Valid Copyright Registration in "Pretty Faces"

Attached as Exhibit A are two (2) Certificates Of Copyright Registration. The first such Certificate is No. PAu000619531 dated January 24, 1984 in and to the dramatic work and Music or Choreography under the previous title "Pageant" naming the plaintiff as the Registrant. The second such Certificate is No. PAu001448995 dated October 25, 1990 in and to the dramatic work and Music or Choreography under the current title "Pretty Faces" also naming the plaintiff as the Registrant.

A valid certificate of copyright registration is a jurisdictional prerequisite to an action for copyright infringement. *Kelly v. L.L. Cool J*, 145 F.R.D. 32, *affirmed* 23 F.3d 398, *cert. denied* 115 S.Ct 365 (S.D.N.Y. 1992). As Plaintiff has produced the valid certificates of copyright registration described above, Plaintiff alleges and proves that he has registered the copyright of the work, and accordingly may bring a suit for infringement of that work.

- B. Actors Equity Interfered With Plaintiff's Exclusive Rights in the Copyrighted Work
- C. Plaintiff May Bring an Action for Copyright Infringement Regardless of Whether Defendant Copied His Work.

Actors Equity engaged in conduct which conflicted with one or more of the specific exclusive rights granted to Plaintiff by the Copyright Act; namely, Plaintiff's right to

(S.D.N.Y. 2002) (citing 17 U.S.C. §106 (3), (5)). The Copyright Act states in pertinent part that a copyright owner has the exclusive rights to (and to authorize others to) distribute copies of the copyrighted work to the public, and to publicly display the copyrighted work. 17 U.S.C. §106 (3), (5).

To establish a claim of copyright infringement, the plaintiff must establish (1) ownership of a valid copyright and (2) unauthorized copying *or* violation of one of the other exclusive rights afforded copyright owners under the Copyright Act. Byrne v. British Broadcasting Corp., 132 F. Supp.2d 229 (S.D.N.Y. 2001)(emphasis added). Under *Byrne* and a number of other cases, unauthorized copying by the infringer is not necessary; the standard of infringement is met as long as one of the copyright owner's exclusive rights is violated. Sandoval v. New Line Cinema Corp., 973 F. Supp. 409, 412, *aff'd*, 147 F. 3d 215 (S.D.N.Y. 1997) (citing Twin Peaks Productions v. Publications International Ltd., 996 F.2d 1366, 1372 (2d Cir. 1993)).

Plaintiff undertook the proper procedures to upload the Pretty Faces Video to YouTube (Complaint ¶5). Plaintiff's goal, among other things was to have users of YouTube view the Pretty Faces Video for promotional purposes and generate interest in the production embodied on the Video and the underlying work. Such users would have include producers and publishers who may have wished to produce the musical. (Complaint ¶34).

With respect to the issue of infringement Defendants' counsel is adopting and maintaining the conventional copyright infringement defense argument by claiming that Defendant (a) neither copied nor distributed the Pretty Faces Video, and (b) neither adapted nor transformed Plaintiff's validly copyrighted material by Defendant's actions.

The Digital Millennium Copyright Act of 1998 was created specifically to expand and  
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adapt copyright protection for new and evolving forms of multimedia. 17 U.S.C. §1201  
et seq. Defendant's act of filing a false and inaccurate claim with YouTube labeling  
Plaintiff as a copyright infringer (Complaint ¶6) resulted in Plaintiff's lawfully-owned  
work being effectively impounded and withheld from display on a critically important  
21<sup>st</sup>-century multimedia platform. Such act denied Plaintiff all access to his work, and in  
particular his ability to market and distribute that work on the Internet through YouTube,  
the largest vendor and provider of multi-media formats in the world.

Plaintiff's counsel is aware that this action may be the first of its kind in this or other  
jurisdictions, as is evidenced in the e-mail of Defendant's representative to Plaintiff dated  
September 7, 2007 (Complaint ¶10; Complaint Exhibit B). In that e-mail Defendant  
asserts that to his or Defendant's collective knowledge, Defendant's "erroneous"  
blocking of the Pretty Faces Video was the first erroneous instance of its kind out of  
"100,000s of clips removed from YouTube". Id. The novelty of the circumstances  
explains in part why there are so few cases to cite.

However, the fact that this may be the first time that Defendant acted in this manner  
does not excuse its effect of depriving Plaintiff the exclusive rights given by the  
Copyright Act to distribute his work and to publicly perform his work. The fact that a  
copyright infringement is inadvertent or unintentional does not relieve the infringer of its  
liability to the copyright holder. Microsoft Corp. v. Computer Service & Repair, Inc.,  
312 F.Supp.2d 779 (E.D.N.C 2004)(citing 17 U.S.C. §501). That this action was caused  
because Defendant did not follow its own established procedure (if it had procedures at  
all) prior to incorrectly directing YouTube to block access to the Pretty Faces Video does  
not make it any less an infringement.

Worse, despite its recognition of its own error as evidenced by the e-mail admission  
of Defendant's representative, Defendant has continued to refuse to reverse, correct or

release its direction to YouTube to deny access to the Pretty Faces Video to Plaintiff and  
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YouTube's users. Defendant has actively and knowingly maintained its notice on the  
YouTube site that the Pretty Faces Video was "removed for copyright infringement by  
Actors Equity". Maintenance of such notice has two principal effects: (a) it places an  
inaccurate, false and libelous stigma on both Plaintiff as author/producer of the work and  
the production itself; and (b) it makes the initial infringement and resulting libel a  
continuing one which should be deemed sufficient to toll any applicable statutes of  
limitations claimed by Defendant.

Defendant's actions demonstrate a willful and reckless disregard for the professional  
reputation of Plaintiff and severely compromise Plaintiff's ability to earn a living.  
Further, Plaintiff's actions undoubtedly bring into question its internal controls, the care it  
takes in dealing with such matters and the frightening possibility that it may continue to  
commit similar careless and injurious acts on other authors, composers and producers if  
left unchecked. For all of the above reasons, Plaintiff's claim of copyright infringement  
should not be dismissed and should be adjudged by the Court

## POINT II

### PLAINTIFF'S TORT CLAIMS SHOULD BE UPHELD NOTWITHSTANDING *MARTIN v. CURRAN* BECAUSE THE SUBJECT ACTION OF DEFENDANT WAS NOT AN ACTION APPROPRIATE TO BE RATIFIED BY ALL MEMBERS

Defendant claims that the actions of the staff of Actors Equity in committing the  
acts upon Plaintiff's copyrighted work fall under the doctrine of Martin v. Curran, and  
that as a result all of Plaintiff's tort claims should be dismissed. Defendant's claim is  
taken out of context and invalid.

All union officers, once elected or hired, are bestowed with a wide range of  
powers granted by such union's charter, bylaws or collective agreement. Ratification of

Plaintiff has been unable to discover or ascertain how the decision was made by Defendant to authorize the unwarranted notice to YouTube blocking access of the Pretty Faces Video. In any event, by the admission of Defendant's representative (Complaint, ¶10, Exh. B) Defendant has been involved in or otherwise witnessed the removal of hundreds of thousands of clips from YouTube. It is ridiculous to assume that all members of Defendant must ratify each and every blockage Defendant directs YouTube to make. The act must certainly be handled by at most a handful of administrative staff of Defendant whose sole task it is to take complaints from members of Defendant of potentially infringing material and block access thereto to the users of YouTube and other similar websites. The act is evidently administrative and a daily task of the staff. It is not capable of being ratified by all members and must fall outside the boundaries of Martin v. Curran.

### POINT III

#### PLAINTIFF'S LIBEL CLAIMS SHOULD BE UPHELD BECAUSE DEFENDANT'S CONTINUOUS BEHAVIOR TOLLED THE STATUTE OF LIMITATIONS

As stated above (Point I, p. 3-4), Defendant has refused to retract its direction to YouTube to remove the block on the Pretty Faces Video, despite the admission of Defendant's representative that the block was an error and Plaintiff's attempts to have Defendant remove the block. As such, Defendant's act is a continuing act which should serve to toll the New York statute of limitations.

PLAINTIFF'S LIBEL CLAIMS SHOULD BE UPHELD BECAUSE  
HIS VALID ALLEGATIONS ARE SUFFICIENT AS A MATTER  
OF LAW TO ESTABLISH A TORT CLAIM

A. Plaintiff Successfully States A Libel Claim

Defendant in its motion to dismiss the complaint has incorrectly identified the statement Plaintiff alleges as libelous. It is not the statement made in the e-mail from YouTube to Plaintiff. (Motion to Dismiss, Point IV, A. p.13). It is also not the notification to YouTube itself (Motion to Dismiss, Point IV, p.14). It is the actual notice Defendant directed YouTube to post on the webpage for the Pretty Faces Video, effectively identifying Plaintiff by his user ID and/or screen name and effectively labeling Plaintiff a copyright infringer. (Complaint, ¶7)

The elements of a prima facie case of defamation are a defamatory statement of fact regarding the plaintiff, publication to a third party by the defendant, falsity, some degree of fault and injury to plaintiff. Eckhaus v. Alfa-Laval, Inc., 764 F.Supp. 34 (S.D.N.Y. 1991). The fault only needs to rise to the level of negligence on the part of the publisher. Angio-Medical Corp. v. Eli Lilly & Co., 720 F. Supp. 269 (S.D.N.Y. 1989).

Defendant was not a party to Plaintiff's relationship to YouTube and accordingly had no reason to become involved in such relationship. Defendant did not identify the "unnamed third party" whose copyright was allegedly infringed by virtue of Plaintiff's uploading of the Pretty Faces Video to YouTube. Critically, Defendant by its own admission did not do its proper due diligence in ascertaining the identity of the lawful copyright holder of the Pretty Faces Video, and was thereby negligent. Even after Plaintiff (the lawful copyright holder of the subject work) brought this action against Defendant, Defendant gives no justification, reason or excuse in its motion to dismiss the

It logically follows that Defendant had no reason to incorrectly notify YouTube, Inc. that the Pretty Faces Video contained material which infringed the copyright of an unnamed third party, and was at fault due to its own negligence. (Complaint ¶6) Defendant’s notice had the ultimate effect of publicly and falsely accusing Plaintiff of copyright infringement, thereby labeling Plaintiff, the uploader as a copyright infringer. Further, the notice is not a statement of opinion but rather, a statement of fact.

Thus Defendant has made a false statement of fact that exposed Plaintiff to contempt (as an alleged thief of the intellectual property of another), disgrace and ridicule, thereby satisfying the threshold elements of libel set forth in Town of Massena v. Healthcare Underwriters Insurance Co., 98 N.Y.2d 435 (2002) cited by Defendant. A claim of copyright infringement may be viewed as a statement of fact rather than opinion and a proper subject for an action in libel. Scholastic, Inc. v. Stouffer, 124 F.Supp.2d 836, 850 (S.D.N.Y. 2002). As for the additional condition that Plaintiff is not a public figure, Defendant demonstrates common-law malice and/or ill will in its steadfast refusal to take proper steps to have YouTube remove the copyright infringement notice from the YouTube webpage after realizing its mistake and after repeated attempts by Plaintiff to have Defendant do so.

Plaintiff is necessarily identified on YouTube as the uploader by his screen name or user ID. While Plaintiff may not be a public figure he is known in the professional circles in which he travels. The dramatic/musical theatre world knows of Plaintiff and it was common knowledge that the Pretty Faces Video was being posted on YouTube for promotional and other purposes together with the other videos named in the Complaint. (Complaint, ¶34) Defendant claims that Plaintiff makes “an unsupported leap” in claiming that Defendant’s statement *about a video* exposed Plaintiff to public contempt.

responsible for the content of the video. If Defendant claims that the Pretty Faces Video contained infringing material it is by definition (as well as implicitly) identifying and naming Plaintiff as a copyright infringer. The pleading by Plaintiff in the Complaint sufficiently identifies the subject communication.' (Complaint, ¶7). Finally, the alleged communication is a plainly printed written notice on a website.

Plaintiff's then-present and future business was injured as a result of both the YouTube "block" and the "copyright infringement" label, displayed publicly on a worldwide internet site. For all of the above reasons Plaintiff has a valid claim of libel as against Defendant.

## POINT V

### PLAINTIFF SEEKS APPROPRIATE RELIEF

Reference is made to Defendant's Point V claiming that Plaintiff is seeking remedies against YouTube. Plaintiff redirects its demand in Paragraph 1(a) of the Complaint to (a) cause Defendant to retract its notices to YouTube which originally gave rise to and continue to cause the "Rejected for Copyright Infringement" and "Removed by Actors Equity for Copyright infringement" labels and/or notices from all applicable pages on YouTube directly or indirectly referencing the Pretty Faces Video, the Zanna Don't Video and the Sanitation Chronicles Video (collectively, the "Videos"), (b) cause Defendant to direct YouTube to remove all blocks of the Videos, and (c) cause Defendant to direct YouTube to post a conspicuously-placed notice from YouTube and Defendant expressly disclosing YouTube's and Defendant's apology to Plaintiff for the content of the notices described in (a) above and the actions which are the subject of this action.

as against Defendant, as well as its other claims made in the Complaint as against  
Defendant.

### CONCLUSION

For the foregoing reasons, the Complaint should not be dismissed, and should be  
adjudicated in its entirety.

Dated: New York, New York  
February 24, 2010

THEODORE D. WEIS, ESQ.  
Attorney for Plaintiff  
165 West End Avenue, Suite #23B  
New York, New York 10023  
(917) 693-9362

By:   
Theodore D. Weis (TW 6382)

**CERTIFICATE OF COPYRIGHT REGISTRATION**

This certificate, issued under the seal of the Copyright Office in accordance with the provisions of section 410(a) of title 17, United States Code, attests that copyright registration has been made for the work identified below. The information in this certificate has been made a part of the Copyright Office records.

REGISTER OF COPYRIGHTS  
United States of America

**DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.**

TITLE OF THIS WORK ▼

**1 PRETTY FACES**

PREVIOUS OR ALTERNATIVE TITLES ▼

**PAGEANT (PLEASURE BY THE POUND)**

NATURE OF THIS WORK ▼ See Instructions

**2 NAME OF AUTHOR ▼**

a **ROBERT W CABELL**

Was this contribution to the work a "work made for hire"?

Yes

No

AUTHOR'S NATIONALITY OR DOMICILE

Name or Country

**USA**

OR { Citizen of ▶

Domiciled in ▶

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

**7/5/55**

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?  Yes  No

If the answer to either of these questions is "Yes," see detailed instructions.

Pseudonymous?  Yes  No

If the answer to either of these questions is "Yes," see detailed instructions.

**NOTE**

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BRIEFLY DESCRIBE NATURE OF THE MATERIAL CREATED BY THIS AUTHOR IN WHICH COPYRIGHT IS CLAIMED. ▼

**BOOK MUSIC & LYRICS FOR MUSICAL COMEDY**

**NAME OF AUTHOR ▼**

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

Was this contribution to the work a "work made for hire"?

Yes

No

AUTHOR'S NATIONALITY OR DOMICILE

Name or Country

**USA**

OR { Citizen of ▶

Domiciled in ▶

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If the answer to either of these questions is "Yes," see detailed instructions.

Pseudonymous?  Yes  No

If the answer to either of these questions is "Yes," see detailed instructions.

BRIEFLY DESCRIBE NATURE OF THE MATERIAL CREATED BY THIS AUTHOR IN WHICH COPYRIGHT IS CLAIMED. ▼

**NAME OF AUTHOR ▼**

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

Was this contribution to the work a "work made for hire"?

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If the answer to either of these questions is "Yes," see detailed instructions.

BRIEFLY DESCRIBE NATURE OF THE MATERIAL CREATED BY THIS AUTHOR IN WHICH COPYRIGHT IS CLAIMED. ▼

**3 YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED** This information must be given in all cases.

**1990**

◀ Year

**DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK**

Complete this information ONLY if this work

has been published.

Month ▶ Day ▶ Year ▶ Nation ▶

**4 COPYRIGHT CLAIMANT(S)** Name and address must be given even if the claimant is the same as the author given in space 2. ▼

**ROBERT W CABELL**  
216 W 102nd # 4-D  
NEW YORK NY 10025

**TRANSFER** If the claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

DO NOT WRITE HERE OR USE ONLY OFFICE USE ONLY	APPLICATION RECEIVED <b>OCT. 25, 1990</b>
	ONE DEPOSIT RECEIVED <b>OCT. 25, 1990</b>
	TWO DEPOSITS RECEIVED
REMITTANCE NUMBER AND DATE	

**MORE ON BACK ▶**

- Complete all applicable spaces (numbers 5-9) on the reverse side of this page.
- See detailed instructions.
- Sign the form at line 3.

DO NOT WRITE HERE

PAu 1-448-995

EXAMINED BY  
*AP*

FORM PA

CHECKED BY  
*PK* CORRESPONDENCE

Yes

FOR  
COPYRIGHT  
OFFICE  
USE  
ONLY DEPOSIT ACCOUNT  
FUND USED

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

5

**PREVIOUS REGISTRATION** Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office? Yes  No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼ This is the first published edition of a work previously registered in unpublished form. This is the first application submitted by this author as copyright claimant. This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give Previous Registration Number ▼

Year of Registration ▼

PAU 566-414 &amp; PAU 619-531 1983 &amp; 1984

6

**DERIVATIVE WORK OR COMPILED** Complete both space 6a & 6b for a derivative work, complete only 6b for a compilation.

i. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates.

Previous Script & Slave has been re-written  
New Musical Numbers (Music & lyrics) have been added.See instructions  
before completing  
this space

ii. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

New Book (Script) & Several New Musical Numbers  
SONGS / MUSIC & LYRICS

7

**DEPOSIT ACCOUNT** If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.  
Name ▼

Account Number ▼

8

**CORRESPONDENCE** Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip ▼ROBERT W CABELL  
216 W 102nd ST #4D  
NEW YORK, NY 10025Be sure to  
give your  
daytime phone  
number

Area Code &amp; Telephone Number ▼ (212) 586-1470

9

**CERTIFICATION\*** I, the undersigned, hereby certify that I am the Check only one ▼  
author other copyright claimant owner of exclusive right(s) authorized agent of

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

I the work identified in this application and that the statements made  
by me in this application are correct to the best of my knowledge.

typed or printed name and date ▼ If this is a published work, this date must be the same as or later than the date of publication given in space 3.

ROBERT W CABELL

date ▼ 10/23/90

Handwritten signature (X) ▼

MAIL  
CERTIFI-  
cate TO  
be  
mailed in  
envelope

9

Name ▼	ROBERT W CABELL
Number/Street/ Apartment Number ▼	216 W 102nd Street # 4-D
City/State/ZIP ▼	New York Ny 10025

- Have you:
- Completed all necessary spaces?
  - Signed your application in space 8?
  - Enclosed check or money order for \$10 payable to Register of Copyrights?
  - Enclosed your deposit material with the application and fee?
- MAIL TO: Register of Copyrights  
Library of Congress, Washington  
D.C. 20559

17 U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement in connection with the application, shall be fined not more than \$2,500.

**CERTIFICATE OF COPYRIGHT REGISTRATION**

This certificate, issued under the seal of the Copyright Office in accordance with the provisions of section 410(a) of title 17, United States Code, attests that copyright registration has been made for the work identified below. The information in this certificate has been made a part of the Copyright Office records.

*Doris Rose*  
REGISTER OF COPYRIGHTS  
United States of America

**FORM PA**  
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

PA 619-531

EFFECTIVE DATE OF REGISTRATION

JAN 24 1984

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1 **TITLE OF THIS WORK \***

Pageant

## PREVIOUS OR ALTERNATIVE TITLES \*

Pleasure by the Pound, Elaborated

## NATURE OF THIS WORK \* See instructions

Musical (Book, Music &amp; Lyrics)

2 **NAME OF AUTHOR \***

a Robert W Cabell

## DATES OF BIRTH AND DEATH

Year Born □ Year Died □

1955

Was this contribution to the work a work made for hire?  Yes  NoName of Country  Citizen of  Domicile in USAWAS THIS AUTHOR'S CONTRIBUTION TO THE WORK ANONYMOUS?  Yes  No Yes  No

If the answer to either of these questions is "Yes", see page 2

 Yes  NoPseudonymous?  Yes  No Yes  No

If the answer to either of these questions is "Yes", see page 2

NATURE OF AUTHORITY \* Briefly describe nature of the material created by this author in which copyright is claimed. \*

Book, Music and Lyrics

3 **NAME OF AUTHOR \***

b

## DATES OF BIRTH AND DEATH

Year Born □ Year Died □

Was this contribution to the work a work made for hire?  Yes  NoName of Country  Citizen of  Domicile inWAS THIS AUTHOR'S CONTRIBUTION TO THE WORK ANONYMOUS?  Yes  No Yes  No

If the answer to either of these questions is "Yes", see page 2

 Yes  NoPseudonymous?  Yes  No Yes  No

If the answer to either of these questions is "Yes", see page 2

NATURE OF AUTHORITY \* Briefly describe nature of the material created by this author in which copyright is claimed. \*

## c

NAME OF AUTHOR \*

## DATES OF BIRTH AND DEATH

Year Born □ Year Died □

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If the answer to either of these questions is "Yes", see page 2

 Yes  NoPseudonymous?  Yes  No Yes  No

If the answer to either of these questions is "Yes", see page 2

NATURE OF AUTHORITY \* Briefly describe nature of the material created by this author in which copyright is claimed. \*

3 **YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED**

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete the information below. Only one year may be given.

OR  Yes  NoOR  Yes  No

EXAMINED BY	FORM PA
CHECKED BY	
<i>RL/T4M</i>	
<input checked="" type="checkbox"/> CORRESPONDENCE	FOR
<input checked="" type="checkbox"/> Yes	COPYRIGHT
<input type="checkbox"/> DEPOSIT ACCOUNT	OFFICE
<input type="checkbox"/> FUNDS USED	USE ONLY

PAu 619-531

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

 Yes  No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼ This is the first published edition of a work previously registered in unpublished form. This is the first application submitted by this author as copyright claimant. This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give Previous Registration Number ▼

Year of Registration ▼ *1984*

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a &amp; 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

6

See instructions  
before completing  
this space

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

*new material added as revised version, with additional  
text and songs*

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▼ *Robert W Cabell*

Account Number ▼

7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip ▼

*Robert W Cabell  
2350 Broadway #533  
New York, NY 10024*Be sure to  
give your  
daytime phone  
numberArea Code & Telephone Number ▼ *(212) 362-2730*

CERTIFICATION\* I, the undersigned, hereby certify that I am the

Check only one ▼

 author other copyright claimant owner of exclusive right(s) authorized agent ofName of author or other copyright claimant, or owner of exclusive rights ▼ *Robert W Cabell*

8

of the work identified in this application and that the statements made  
by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this is a published work, this date must be the same as or later than the date of publication given in space 3.

*Robert W Cabell*date ▼ *5/1/84*Handwritten signature (X) ▼ *Robert W Cabell*

9

Name ▼	Have you:
<i>Robert W Cabell</i>	<ul style="list-style-type: none"> <li>• Completed all necessary spaces?</li> <li>• Signed your application in space 3?</li> <li>• Enclosed check or money order for \$10 payable to Register of Copyrights?</li> <li>• Enclosed your deposit statement with the application and fee?</li> </ul>
Number/Street/Apartment Number ▼	MAIL TO: Register of Copyrights, Library of Congress, Washington, D.C. 20590
<i>2350 Broadway #533</i>	
City/State/ZIP ▼	
<i>NEW YORK, NY 10024</i>	

\* 17 U.S.C. § 501(a): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 401, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.